Epiſcopal Traytors:

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Epiſcopal TRAYTORS:

OR,

PRIESTS aukward POLITICIANS.

EXEMPLIFY'D,

In the Behaviour of the POLITICAL PRELACY;

More particularly of

The Attempts of Archbiſhop LAUD, and his Equivocal *Exit*.

OCCASION'D,

By the Commitment of the Biſhop of *Rocheſter*, to the *Tower* for *High Treaſon*, on *Friday*, *Auguſt* 24, 1722.

WITH

Some Account, and Character of that PRELATE.

Collected from the beſt Hiſtorians; by a Friend of the Author of *Catiline*, &c.

The Second EDITION.

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MDCCXXXI.

Epiſcopal Traytors, &c.

IT will be made appear in the following Pages, that throughout the whole Series of our *Engliſh Hiſtory* when ever any of our PRINCES have been miſled by *evil Councellors*, a *Biſhop's Name* has been generally found in the *Roll*; that when any *Rebellions* have been fomented, the *inferior Clergy* have generally been the very *Horn-Pipe* of the *Rabble*, and as the *haughty Prelates* of *Rome*, have vouchſafed to *tread upon the Necks of Princes*, ſo the *inſolent Behaviour*, and *pernicious Advice* of a *haughty Prelate* among *us*, (as well as *his own*) 'tis ſhrewdly ſuſpected, brought the Head of his *Royal Maſter* to the *Block*.

HAVING in the Title Page, inform'd the *Reader* of the Occaſion of this ſmall Tract, it will be Neceſſary, before we deſcend to *particular Perſons* to lay before *him*, an Account of the *true and ancient Notion of Treaſon*, that he may *know* in what Senſe it was taken by our Fore-Fathers.

AS it is an undoubted Maxim, that, *The regular and impartial Adminiſtration of Juſtice, is the* chief End *for which Government was at firſt* inſtituted; *ſo it is the only Means, by which it can be long* preſerv'd. For whenever a Failure of it happens, either by the *Weakneſs* or *Corruption* of its *Miniſters*; it throws a *State* into ſuch *Convulſions*, as generally end in *Ruin.* * If the uninterrupted Practice of *Parliaments* is a ſufficient Evidence of what our *Anceſtors* eſteem'd as *Law* in *Parliament*; we ſhall,

I. EXAMINE what was the true and ancient Notion of Treaſon at the *Common Law*, and what was the Practice in *Parliament* until the *Statute* of 25 *Edw.* III. was made.

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* See Mr. *Weſt*'s learned *Diſcourſe* concerning *Treaſons*, and *Bills* of *Attainder*. Page 1. & ſeq.

II. We ſhall next conſider, what Alteration, *That*, or *any other Statute*, has made upon the *Common Law*, and what has been the Practice ſubſequent to it.

I. The Word *Treaſon* properly ſignifies a betraying, and therefore cannot be committed, but where ſome Truſt is repoſed. *Britton, p.* 16. ſays that it is "*Cheſcun damage que lon fait a ſcient, ou procure de faire, a que lon fait amy.* It is every Damage, "which any Man knowingly does, or procures to be done to another, to whom he "pretends to be a Friend. So that in this Senſe every Man who acts contrary to any Obligation he is under, may be ſaid to commit a Treaſon (*i. e.*) to betray or deceive the Perſon who is the Object of it, who muſt neceſſarily be ſuppoſed to have plac'd a Confidence in his Performance, ſince he had a Right to exact it. And therefore it is eſſential to the Notion of Treaſon, that there ſhould be ſome moral Relation, between the Parties; Which is either natural, as between *Father and Son*, &c. or contracted, as between *Lord and Tenant*, &c.

This was the old and original Senſe of the Word; and it was a conſiderable Time before it came to be appropriated to the Senſe we now uſe it in. At firſt, almoſt every Breach of Truſt was comprehended under it; but now Cuſtom has entirely altered and changed it, ſo as to make it ſig-

nify only ſome certain Species of *Breaches of Truſt of the higheſt Nature.*

Andrew Horn, an Author who lived either in the Reign of *Ed.* 1 or 2. never makes uſe of the Word Treaſon, to expreſs any Crime committed againſt either King or Kingdom. Tho' it is manifeſt that the acting contrary to thoſe Obligations which every Man is under to the Publick, is within the general Definition of the Word. But in his Diviſion of Crimes he makes two diſtinct Chapters of *Crimes of Majeſty*, and *Crimes of Treaſon.*

He diſtinguiſhes his Crimes altogether by the Object, or the Perſon againſt whom they are committed, and defines the Crime of Majeſty to be an Offence done againſt the King. And in treating of it, he does not regard the different Heinouſneſs of Facts, but makes the Term ſo general as to include all Offences (almoſt) whatſoever, which are done againſt the King. For, ſays he, *e. g.* all thoſe who commit Perjury againſt the King fall into this Offence; as, *e. g.* the King's Miniſters, who are ſworn to do Juſtice, and forſwear themſelves in any particular. He enumerates a great number of Crimes of this and inferior Natures, all under the Denomination of *Majeſty*, ſome of which were ſtil'd mortal Offences, and others not ſo. So that it ſeems (according to this Author) every Crime

Crime committed againſt the King or Publick, by reaſon of their Community of Object, was equally a Crime of Majeſty. But as all Crimes are not equal as to the Heinouſneſs of this Guilt, ſo the Puniſhment of all theſe Crimes was to be inflicted *pro modo & ratione delicti*; the Adjudication of which was abſolutely in the Breaſt of the Judges, who were entirely at the Diſpoſition of the Crown.

The Term *Treaſon* he makes to be almoſt as general as that of *Majeſty*. Since he makes it include every other Crime, which implies the Breach of an Obligation, which may be contracted by *Blood*, *Affinity*, *Homage*, *Oath or Service*, *Vid. Mirror des Juſtices. Cap.* 1. § 4, 5, 7. The Term of Crime of Majeſty is not now uſed in our Law, but is entirely ſunk and loſt, and the Diviſion in Criminal Caſes now in Uſe is, into *High Treaſon* and *Petit Treaſon*.

High Treaſon is defin'd to be an horrible Offence committed againſt the Security of either King or Kingdom, whether it be by Imagination, Word or Deed. Cowel's Interp. So that it includes all thoſe Crimes of Majeſty, which *Andrew Horn* ſtiles mortal. *Petit Treaſon* is when a Wife kills her Husband, a Servant his Maſter, *&c.* and includes almoſt all thoſe Capital Offences, which he places under the Title of Treaſon.

This

This Diviſion of Treaſon into *Grand & Petit* is very antient. But then it was not uſed to ſignify preciſely that Senſe it does now. *Britton* makes no other Uſe of it than to diſtinguiſh thoſe Crimes which were puniſhed with Death, from thoſe which were puniſhed by Mutilation, Pillory, or any other inferiour Sort of Puniſhment. His Words are, *Cap.* 8. " *Et poit eſtre Tre-*
" *ſon grand & pettit dount aſcun demande*
" *Jugement de Mort, & aſcun Amiſſion de*
" *Membre & Jugement de Pillori, ou penaunce*
" *de priſon, & aſcun pluis ſimple puniſhment*
" *ſolonques la manere del fait. Grand Tre-*
" *ſon eſt a compaſſer noſtre Mort ou deſheriter*
" *nous de noſtre Royalmes*, &c. *Et ſi poit*
" *Homme faire Grand Treſon verſauters*
" *Perſons en moults maneres, comme en procu-*
" *rant la Mort de aſcun que eſt ſeiſi de luy*,
" &c. And Treaſon may be either High
" (Grand) or Petit ; of which ſome de-
" mand Judgment of Death, and other
" ſome Mutilation, Judgment of Pillory
" or Impriſonment, and other ſome more
" ſimple Puniſhment, according to the Pro-
" portion of the Crime. High-Treaſon
" is to compaſs our Death, or to diſinherit
" us of our Realms, *&c.* And High-Trea-
" ſon may be committed againſt other
" Perſons in many Manners, as, *e. g.* If
" any Man ſhould procure the Death of
" any Perſon who is ſeiſed of him, *&c.*

It matters not by what Name it has been called, whether *Crime of Majeſty*, or *Treaſon*, or *Felony*, &c. For whatever Action we can ſhew to have been puniſhed in ſo ſevere a Manner, I think we may without ſcruple ſtile *High Treaſon*, even in the Modern Senſe of the Word. The *Saxons* had no Notion of any other Treaſon, than that of Treachery to their Country, and deſerting it in Time of Danger. They puniſh'd it with Death as ſoon as ever they diſcover'd it; and even in their ſupreme Councils, or to ſpeak in the Language of the preſent Age, in their Parliaments, they took Cognizance of Crimes of this Nature, and as it were, attainted the Criminals. *Tacitus* ſays, " *Licet apud concilium accu-* " *ſare quoque & diſcrimen Capitis intendere*, " and then adds, *Proditores & transfugas* " *Arboribus ſuſpendunt*. Tacit, de Mor. Germ. Cap. xii.

Their Laws (here in *England*) were remarkably merciful, and few Crimes were among them puniſh'd with Death: So that doubtleſs thoſe which were ſo, were ſuch as they look'd upon with the utmoſt Horror and Deteſtation. The killing of any Perſon was in general Terms made Capital in their Laws. But then there was a Commutation allow'd of, which was regulated in Proportion to the Value of the Head, or Life of the Perſon who was kill'd. The very killing

killing of thier *King* was not among them puniſh'd with Death, provided the Criminal was able to produce a certain Sum of Money. The Valuation of Peoples Lives in this Manner, was a Thing ſo fix'd and certain among them, that it was grown a Part of their Common Law, as may appear by the Laws of King *Athelſtane*, *p.* 55. "*Inter leg.* Saxon. *ad Calc.* Bede *Regij*, *Capi-*
"*tis Eſtimatio* Jure Anglorum Communi,
"*Triginta Thrimſarum millibus conſtat.*" Which is juſt twice the Sum the Life of an Archbiſhop, or any other Nobleman, was valu'd at: And therefore in the Law beforemention'd, it is added, by way of Reaſon for it, "*Quorum quindecem Millia,*
"*capitis eſtimationis, reliqua Regni no-*
"*mine debentur; hæc ad gentem, illa ad cog-*
"*natos pertinent.*" This Money, which was paid upon any Perſon's being kill'd, was diſtributed among the Relations of the deceaſed, to ſatisfy them for their Loſs. And the only Reaſon which can be collected from their Law, why the Life of their King was valu'd at double the Sum of another Nobleman, is that great Intereſt which the Publick has in the Preſervation of the Prince: And their Loſs being at leaſt equal to that of his Family; the Commutation Money was therefore equally divided between them.

This was the Value the antient *Saxons* put upon their Kings, at the ſame Time that Crimes of really much leſs Conſequence to the Society were puniſhed with Death, *&c.* *Inter ejuſdem* Athelſ. leg. p. 47. " *Si quis Domino ſuo Calamitatem* " *ſtruxiſſe accuſetur, neque id legitime poterit* " *inficiari, capitale eſto. Inter leg.* Canuti, p. 121. " *Cædes manifeſtæ, Dominorumque* " *proditiones, ſcelera ſunt Jure humano in-* "*expiabilia.*" So that it ſeems no Commutation was allowed for theſe Crimes. In ſhort, it may fairly be concluded, that what we now call High Treaſon, cou'd not among them be committed, but only againſt the Publick; ſince their ſevereſt Puniſhments were only pointed at ſuch Crimes, which had the Publick, as ſuch, for their Object. As a farther Proof of which, I ſhall recite one *Saxon* Law more. *Inter leges* Canuti, p. 125. " *Si quis in Terreſtri ſive* " *Navali pugna Dominum ſuum* (ſo the Word is tranſlated by *Lambard*, but the *Saxon* Word is *gorefan*, and properly ſignifies, *a Leader in War*, " *aut commilitonem ſu-* " *um per ignaviam & pigritiam deſeruerit,* " *vitâ & rebus ſuis omnibus mulctator, &* " *quem illi prius dederat fundum Dominus re-* " *cipito, ſin quæ ex ſcripto (boclande) prædia* " *poſſederit, ea Regi ſunto.*" This is as it were, the very Judgment which is now given in Caſes of Treaſon; and there cannot

be any Reaſon aſſign'd why ſo great a Puniſhment was inflicted upon ſuch a Crime (as in the Times we now live, is ſcarcely counted any) but only that vaſt Intereſt which the Publick has in every private Man's fully diſcharging his Duty in Battles, *&c.* and Circumſtances of that Nature.

Indeed upon *Canutus*'s conſenting to diſmiſs his *Daniſh* Army, a Law was made for the farther Security of his Perſon, in ſome meaſure to recompence him for the Loſs of his Troops; by which an Attempt upon his Perſon was made Capital without any Commutation. *Pag.* 120. " *Si quis ſaluti Regis aut Domini ſui inſidias tetenderit, vitâ & rebus ſuis omnibus plectitor, niſi quidem triplicis ordalii queſtione crimen diluerit.* This Law was a *perfect Novelty to the Saxons*; to prove which, and alſo to prevent the Reader's imagining the Commutation, in caſe of killing the King, was only allowed where it was done by Accident, I ſhall recite this Law of King *Alured*, Pag. 24. " *Qui capiti & ſaluti Regis perfidioſè, ſive ſolus, ſive ſervis aut ſicariis mercede conductis, ſtipatus inſidiabitur, vitâ & fortunis ejus omnibus privator; verùm ſi is ſe culpâ eximere voluerit, æſtimationis Regii Capitis ratione habitâ, id facito.*

It

It is obſerved by a late Learned Writer, out of the *Mirror of Juſtice*, p. 75. That among the *Saxons*, Plotting againſt the King, was but Felony: And upon the ſuppoſed Authority of that Book, he refers to an Indictment in King *Alfred*'s Time, for an Offence of that nature, as concluding only *felonicè*; whereas Indictments in the other Caſe concluded always *felonicè & proditoriè*. And he obſerves that the Puniſhment of the one was Loſs of Life, and Forfeiture of Perſonal Eſtate only; of the other, Loſs of Life, with Forfeiture of the whole Eſtate, both Real and Perſonal.

I ſhall only make a ſhort Remark upon this Notion, and then haſten to the Time of the *Normans*, as being much more material towards the ſettling the Queſtion now in hand. It is ſcarcely probable, that the Term *Felony* was in uſe among the *Saxons*, in a Senſe any thing like what it is now among us; it is not to be found in all the *Saxon* Laws extant. The Word is of a moſt general Senſe, and Sir *Henry Spelman*'s Definition of it is certainly true, "*Felo-*
"*nia eſt culpa ſeu injuria propter quam Vaſ-*
"*ſalus amittit feudum.* The Etymology of the Word expreſſes this Senſe; for it may be derived from the *Saxon* Word (*Felen*) to miſtake, to commit a Crime, *&c.* or elſe from the Word (*Feah*) which ſignifies Money, Wages, and even an Inheritance, and

(*Lon*) which in the *German* Tongue ſignified a Price. It is viſible that Treaſon is within this Senſe of the Word, as much as any other Crime, which creates a Forfeiture: For as to the different Concluſions of the Indictments, *felonicè*, or *felonicè & proditoriè*, it ſeems to be an Obſervation founded wholly upon modern Practice. And whoever reads Dr. *Hickes*'s *Diſſertatio Epiſtolaris in Theſaur. Ling. Septent.* will eaſily believe, that the Pleadings and Acts of Court among the *Saxons* were not in *Latin*. He recites ſeveral Acts of ſeveral County-Courts, as of *Hereford*, *&c.* every one of them in the *Saxon* Language. It was a conſiderable time before the Word *Felony* was uſed in ſo preciſe a Senſe, as it is now; and High Treaſon was frequently comprehended under it, even ſince the Conqueſt. It is certain from both *Glanvil* and *Britton*, that *Falſifying the Great Seal* was High Treaſon at the Common Law; and yet *M.* 1. *E.* 3. *Pl.* 13. a Man being arraigned for having falſified the Great Seal, pleaded a Charter of Pardon *de touts Felonyes*; and it was allowed him. As to what is obſerved concerning the Difference of the Judgments, it is a manifeſt Error; ſince, among the *Saxons*, the Puniſhment of *Murthers*, *Burglaries*, *Robberies*, &c. was commuted for a certain Sum of Money, which they call'd *Weregild*; And this Law continued

nued until the Reign of *Hen.* 1. by whom it was abrogated. " *Et is primum ſuſpendi-* " *um furibus in dixit. Vid. Floren. Wigorn. pag.* 653. *&* *Roger Hoveden inter Scriptores poſt Bedam, pag.* 471.

THE *Normans* with great Juſtice improv'd upon the Laws of the *Saxons:* They conſider'd the *Crown* as the *Center,* in which all the Members of the Commonwealth were united and knit together: And an Attempt upon the Perſon of the Prince could not be look'd upon but as tending to diſſolve that *Union,* and conſequently to reduce the State into Confuſion; therefore was it made equally Capital with thoſe Crimes, which related only to the Kingdom. And this appears by all the old Books. Glanv. lib. 14. " *Accuſatore in Curiâ probante certiſſimè, ſe* " *ſciviſſe ipſum accuſatum machinatum fuiſſe,* " *vel aliquid feciſſe, in mortem Regis, vel* " *ſeditionem Regni, &c.* Bracton, lib. 3. pag. 118. " *Si quis auſu temerario machina-* " *tus ſit in mortem Domini Regis vel aliquid* " *egerit, ſeu agi procuraverit, ad ſeditionem* " *Domini Regis vel Exercitus ſui, &c.*

It is to be obſerv'd, that *Bracton* did not intend this for an entire Definition of Treaſon, ſince he juſt before uſes theſe Words: " *Habet enim crimen leſæ Majeſtatis ſubſe mul-* " *tas ſpecies, quarum una hæc eſt, ut ſi quis,* " *&c.* Fleta lib. 1. pag. 31. ſays, *Quiſ-* " *quis ſit de crimine leſæ Majeſtatis accuſa-*

" *tus,*

" *tus, defendere ſe debet ſic; omnem feloniam*
" *defendit, omnemque ſubductionem Regis,*
" *Regni, vel ſui Exercitûs,* &c. *Hengam mag-*
" *na,* cap. 1. pag. 7. *Conſtat quòd placit*
" *de crimine leſæ Majeſtatis, ut de Nece vel*
" *Seditione* Perſonæ *Domini Regis, vel Reg-*
" *ni vel Exercitûs,* &c. *Ad Curiam Regis*
" *majorem pertinent,* &c. By theſe Quotations, and what has been before ſaid, it appears that the *Normans* coupled Crimes againſt the publick Safety, and againſt the Perſons of their Princes, together: And indeed, in Reaſon it is not poſſible to ſeparate them; for as the Murther, *&c.* of a King, muſt neceſſarily involve a State in Confuſion, ſo every Action which endangers the Safety of the Publick, muſt neceſſarily diminiſh the Majeſty of the Prince. And this may be eſteemed a juſt Reaſon, why all Crimes of this Nature are by Intendment ſaid to be committed *contro Coronam & Dignitatem Regis.* The very Term, *King*, bears a Neceſſary and indiſſoluble Relation to a Kingdom; and therefore the Safety, *&c.* of a People muſt be the chief Intereſt of every *King*, as ſuch. And the Crown or Prince always proſecutes Crimes of this Nature (perhaps) becauſe the Crown, as has been ſaid, is always conſider'd as the Center of Union, and as it were the ſingle Principle of *Activity* in the Society.

It is not difficult to believe, that Judges, *&c.* who were entirely at the Diſpoſition of the King, ſhould be more zealous in the Proſecution of ſuch Crimes, which particularly affected the Intereſt or Perſon of the *Prince*, than of thoſe which related immediately to the *Publick, as ſuch*, and were very often diſtinct from, nay, ſometimes perfectly oppoſite to, what a weak *Prince* might by the Advice of a *corrupt Miniſtry* look upon to be his Intereſt.

Their carrying this Principle on with too high a Hand, made it become a very great Grievance to the People, and was the true Reaſon of the enacting the Act of 25 *Ed.* 3. *de proditionibus*, as will be more particularly ſhewn, when we come to conſider that Statute.

1. What I ſhall now in the firſt Place endeavour to ſhew, is, That before 25 *Ed.* 3. was made, the Parliament did take upon them to puniſh ſuch Crimes, which were committed againſt the Safety of the Publick, as Treaſon. And I preſume no Man will deny, that Cuſtom, which is the *Law* of Parliaments, is as much the *Law* of the Land, as any thing that has been the conſtant and un-interrupted Doctrine and Practice of *Weſtminſter-Hall:* For whatſoever is the *Law* of the Kingdom, is as much *Law* as any thing elſe that is ſo; and whatſoever

is

is *Law* cannot *ſuſcipere magis aut minus*, but it muſt be all of equal Authority. *Vid. Vaugh.* pag. 21. *&* *alibi.* In order to this, let us examine how our Anceſtors behav'd themſelves in this reſpect to Miniſters, whom they felt to be the Plagues and Scourges of their Country; and I doubt not but upon the Iſſue it will appear, that *Treaſon*, by the Law of *England* in Parliament, is exactly what the *Civil Law* defines it to be; *ſcil. Quodcunque quis fuerit molitus contra Imperatorem vel Rempublicam, crimen eſt Majeſtatis.* Vinii *Inſt.* pag. 883. Forms of Law, and Niceties in the Proof of Facts, which they all experimentally knew to be true, did not hinder them from doing themſelves that Juſtice, which every *injur'd People* have a Right *to exact*; and which is abſolutely neceſſary to preſerve a Nation from the Inſults and Oppreſſions of Miniſters, who by their Intereſt and Credit with their Sovereign raiſe themſelves above the Fear of Puniſhment in the ordinary and common Proceedings of the Law.

I ſhall not in my Citation of Precedents go beyond thoſe Times, of which we have Records extant. The common Hiſtorians, it is true, give us an Account of ſeveral Perſons who died as Traytors in different Reigns; but there not being any Records, whereby we might indiſputably demonſtrate the Truth of ſuch Hiſtories, a great many Per-

Perſons would perhaps think their Authority, too weak a Foundation to build upon, in the Examination of a Point in Law of ſo great Conſequence as this.

THE Reign of *Ed.* 2. will it ſelf furniſh us with Inſtances ſufficient to the Vigour and bravery of our Anceſtors. Let it not be objected, as it has often been to the Reign of *Rich.* 2. *&c.* that the Times were in great Confuſion, and therefore Things were not then carry'd regularly, and according to the Forms of Law: For when ſhould we expect to find Precedents of *Parliamentary Juſtice* upon Miniſters who were guilty of Treaſons againſt the Publick, and perhaps were ſupported by wrong and *dangerous* Notions of *Prerogative*; but in thoſe only Times which *can poſſibly afford them?* When good and wiſe Princes govern'd, how could there be any Diſpute between *Court* and *Parliament?* But when wicked Miniſters *ſeduc'd their Sovereigns* into dangerous and illegal Meaſures, it was then only, that *Parliaments* could exert themſelves in *Vindication* of their *Liberties!* When Princes *defend* their Favourites from the Juſtice of the Nation, it is then, and then only, it can be expected that *Parliaments* ſhould aſſert their Authority, and reſolve to do themſelves Juſtice! When that has been obtain'd, the Confuſions ceaſed, and Things

naturally return'd into their legal and accuſtomed Channel.

HAVING thus fairly Accounted, not only for the ſeveral *Diſinitions* of the *Word* TREASON, but alſo for the *Nature* in which the *Fact* has been taken; we are next, to produce ſome Examples of ſuch Offenders as fall under the Denomination of EPISCOPAL TRAYTORS. In which purſuit, for the Honour of the *Prelacy*, we ſhould rather regard *Precedence* than Chronology; tho' it ſo happens we are right in *Both*.

WE ſhall firſt give an Account of the *Traiterous-Practices* of *Thomas à Becket* Archbiſhop of *Canterbury*, from an Impartial Writer *.

" IN the 7th Year of the Reign of King HENRY II, 1161. (ſays this Hiſtorian) his Majeſty had preferr'd *Thomas à Becket*, a Creature and Servant of his, to be Archbiſhop of *Canterbury*; whom he expected ready to advance all his Affairs, made him *Chancellor*, and gave him the Education of the Prince. The Clergy had got their Jurisdiction much enlarg'd and ſtrengthen'd. The King calls a Parliament and propound-

* Sir *Bulſtrode Whitlocke's* Hiſt. of *England*. p. 49. and ſeq. whoſe Work Dr. *Welwood* (in a Letter thereto prefix'd) declares to be the *beſt Epitomy of the* Engliſh Affairs *that is now Extant*.

eth,

eth, that ſuch of the *Clergy* as ſhould be convicted of any Heinous Offence, ſhould loſe the *Privileges* of the *Church*, and be *puniſhed* by the Civil *Magiſtrate as other Subjects* were.

BUT in leſs than the ſpace of Two Years, *Becket*, and the *others*, Biſhops and Clergy oppos'd this, as being againſt the Liberties of the Church. The King demanded, if they would ſubmit to the Laws and Cuſtoms which the Biſhops in the time of HENRY I, did obſerve: They anſwered, they would; their Order, the Honour of God, and Holy Church, in all things ſaved.

THE King, diſpleas'd with this Reſervation, breaks up the Parliament, denies *Becket* acceſs to him, takes from him what he could, and Countenances thoſe who oppos'd him.

THE Pope and Cardinals wrote to *Becket* to reconcile this Jar, and to make Peace with his Lord the King, and to promiſe to obſerve his Laws without exception; which *Becket* did promiſe to the King. Who thereupon calls a Parliament at *Clarendon*, where they were charg'd to reduce the Laws of HENRY I. the King's Grandfather into Writing: Which being done, the King willed the Archbiſhop and Biſhops to ſet to them their Seals; which the reſt were content to do, but *Becket*

refuſed it. At length the reſt perſwaded him and intimated Danger by the King's Servant's ruſhing up and down with threatening Countenances: Whereupon *Becket* took his Oath, to obſerve the King's Laws without any Reſervation. Then taking the writing into his Hand, he ſaid to the Clergy, *Brethren, ſtand faſt, you ſee the Malice of the King, and that we are to beware:* And ſo the Council ended, but not the King's Diſpleaſure; whom only he found to bear up againſt him, who had ſo much favour'd him.

Becket repents of his Oath at *Clarendon*, ſuſpends himſelf, and doth Penance till the Pope ſent him an Abſolution: Then he endeavours to go to *Rome* without the King's leave, contrary to the Law made at *Clarendon*, (but by contrary Winds brought back) which more exaſperates the King.

THEN he is ſummon'd to a Parliament at *Northampton:* Suits in Law go againſt him. He is call'd to Account for the King's Monies, and pleads his Acquittance for all Receipts. The King urged to have Judgment againſt him, and he is Summon'd to appear.

IN the Morning of his Appearance, he ſaith the Maſs of *Stephen* the Protomartyr, and comes to Court in his *Pontificalibus*, carrying the Croſs; for which he was blam'd by the other Biſhops, who offer'd to pull it out of his Hand, but he held it faſt.

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THE Archbiſhop of *York*, rebukes him ſharply for coming thus as to a Tyrant or Heathen Prince; and told him, *the* King *had a* Sword *ſharper than his* Croſs. *Becket* replied, *the King's* Sword *wounds* Carnally, *but mine ſtrikes* Spiritually, *and ſends the* Soul *to* Hell.

THE Parliament declared *Becket* a *Traytor*, that having receiv'd ſo many Benefits from the King, refus'd to do him Earthly Honour, and to obey his Laws which he had ſworn to: And the Biſhops renounc'd their Eccleſiaſtical obedience to him, cited him to *Rome*, and condemned him as a perjur'd Man, and a Traytor.

BEING charg'd to Anſwer, he refus'd to ſtand to the Judgment of the King, or any other Perſon; *ſaying, They were bound to obey*, God, *and* Him *rather than any* Earthly Creature. Then he departed, and diſguiſing himſelf, got into *Flanders*, and ſo into *France*; from *France*, *Becket* goes to *Rome*, plays his Pranks there, Spirits up the *Pope* and *Cardinals* againſt the *King*, under a Pretence, forſooth, that the *Clarendon-Laws* were an Infringement of the *Church's Privileges*. Notwithſtanding, the unparalell'd Behaviour of this *Inſolent*; the Humanity of the *King* was ſo great, that he forgave all his Offences, and reſtor'd him to his *See*. Upon his Return to *England*, he purſues

ſues his old Game, ſuſpends the Archbiſhop of *York*, and threatens ſeveral other *Biſhops* with the ſame Treatment. Upon this, ſome of them went to the King in *Normandy*, and acquainted his Majeſty with *Becket*'s Proceedings; adding, that, "He was grown "ſo Imperious, that there was no living "under him; wherewith the King was ſo "much mov'd, that he utter'd theſe Words; "*In what a miſerable State am I, that* "*cannot be quiet in my own Kingdom for* "one only *Prieſt! Is there no Man will rid* "*me of this Trouble?* Soon after this, *Bec-*"*ket* was diſpatch'd by four Knights, as he "was at Maſs in the Cathedral Church of "*Canterbury.* * As no reaſonable Man will "pretend to vindicate the taking off this "*vile Prieſt*, (in this manner) on the one Hand, ſo it is hop'd, the moſt partial Pen will not attempt a Defence of this Treatment of his Royal Maſter of the other.

But let us proceed to ſome other Examples. The next we meet with, is another of the ſame Claſs, *viz.* In the *Rolls* of Parliament, Numb. 18. 22 *Rich.* II. 1397, *Thomas Arundel*, Archbiſhop of *Canterbury*, was adjudged a *Traytor* by the *King* and *Lords*, upon the Accuſation of the *Commons*; For that when he was *Chancellor*, he procur'd and execut-

* *Whitlocke*'s Hiſt. of *England*, fol. pag. 52.

ed

ed a *Commiſſion*, which they alledg'd to be Traterouſly made.

In 22. Henry VIII. Cardinal *Wolſey* was accus'd of *Treaſon* in Parliament, and tho' by the Faithfulneſs and Wiſdom of his Servant *Cromwell* he was acquitted; yet he was brought within a *Præmunire*, and all his Wealth ſeiz'd by the King's Officers. His Crime was, for exerciſing the Legantine Power without the King's Conſent. * So little real Satisfaction is there in Riches (the general Bane of all Stateſmen, either Clergy or Laity) that notwithſtanding the *immenſe Treaſure* heaped up by this ambitious Politician, and who erected Palaces for future Princes; ſoon after *his Diſgrace*, he died at *Leiceſter* in the greateſt Horrour and Confuſion of Mind imaginable. Among ſeveral others who were Executed in the ſame Reign, for attempting to exalt the Authority of *the Church*, above that of the *State*, fell Biſhop *Fiſher*, and (as our Hiſtorian judiciouſly obſerves) the Pope's *favour in making him* Cardinal *haſten'd him to a Scaffold.* || And at laſt the Clergy were forced to declare Henry VIII. *Head of the Church.*

Every Reign almoſt, being plentifully ſtor'd with Examples of the *Incroachments*

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* Vid. *Whitlocke, ut ſupra*, p. 209. || Ibid p. 213.

of

of the *Prieſthood*; as in the Behaviour of the Biſhops, 17 *Edw.* II. when the Biſhop of *Hereford* § was juſtly denounc'd a *Traytor, and all his Goods and Poſſeſſions ſeized for the King*; and as the *Acts* of a *Gardiner*, and a *Bonner* are freſh in every one's Memory; we ſhall cloſe the Account of *Epiſcopal Traytors* under the *Romiſh-Æra* of the Church, with the Inſolent behaviour, and deſerv'd Puniſhment of the Archdeacon of *Norwich*.

IN the Year 1210, ſome Diſputes ariſing, between King *John* and the *Pope*; his Holineſs upon the King's not ſubmitting to his Conceſſions, " proceeds to " *Excommunicate him*; but the *Clergy* durſt " not execute the ſame for many Days. " The Archdeacon of *Norwich*, ſerving in " the *Exchequer*, affirm'd, *it was not* " *ſafe for Men Beneficed, to remain in the* " *Obedience of an Excommunicated King.* " And ſo without leave, he retir'd Home. " The King ſent Sir *William Talbot* with " force to apprehend him, and lay him faſt " in Fetters in a moſt ſtrait Priſon; and " afterwards, upon the King's Command, " he was put into a Sheet of Lead, where- " in with the Weight, and want of Victu- " als, he ſoon periſhed. †

§ Ibid. p. 102. † Vid. *Whitlocke, ut ſupra*, pag. 67.

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MISERABLY was King *James* the I. haraſs'd by the *Sectaries* of his Time, although (as the Hiſtorian obſerves) his Majeſty "was willing that both *Papiſt* and "*Puritans* might have a quiet Being; yet "the new *Thing* called Lectures, he could "by no means endure; his Animoſity a-"gainſt *Puritans*, was thought to be fo-"mented by the *Papiſts*, and Biſhop *Laud* "to be their *Agent*; who now began "to *Bucks*'s Confeſſor, and tho' the King "proteſted *Laud*'s incentive Spirit was to "be kept under, leſt the Flame might break "out, yet that was forgotten; and he ſo "crept into Favour, that he was thought "to be the Bellows that blew theſe unhap-"py Fires.

OF all Men (ſays Biſhop *Hacket*, in his Life of Archbiſhop *Williams*) Biſhop *Laud* was the Man, whoſe Enmity was the moſt tedious, and moſt ſpiteful againſt his great Benefactor *Williams*. This Dealing of *Laud* is paſt Excuſe, and can bear no Apoligy. And the Cauſe of Biſhop *Williams*'s inceſſant Moleſtations for 12 Years, was his known Enemy Biſhop *Laud*. Could he ſo ſoon forget him, that firſt made him a Biſhop?

* See *Whitlock*, ut Supra. p. 302.

SUCH was the implacable, and irreconcilable Malice of this Prelate, that even his great Advocate, Mr. *Wharton*, who Publiſh'd his Tryal, and profanely ſtiles him *Bleſſed Martyr*; declares in his Preface that *he does not pretend to juſtify the Proceednig of Archbiſhop* Laud *during the whole Courſe of his Power and Government, againſt Archbiſhop* Williams.

How will the Sticklers for *Laud*, defend (what my L. C. Baron *Atkins* informs us of) *his ſtricking out of that Part of the ancient Oath in King* CHARLES's *Time at his Corronation*, (that the King ſhould conſent to ſuch Laws, as the People ſhould chooſe) *and inſtead of that, another very unuſual one inſerted*, ſaving the King's Prerogative Royal?

I ſhall not inſiſt upon many Incroachments which occur of *Laud*'s Practices in the *Star-Chamber*, &c. but paſs on to a known Fact, which fully, and plainly proves his Affection to the Church of *Rome*.

THE Fact we have to offer is this, Mr. *Thomas Gage*, a Writer of good Credit, publiſhed his authentick and valuable Survey of the *Weſt-Indies*, in Folio, ſome Years before the *Reſtauration*; it was afterwards reprinted in Octavo, but the entire xxii d. Chapter was unfairly dropt, without any Notice of the Omiſſion, or any Pretence

that

that the Facts contain'd in it could be diſprov'd.

INDEED the Matters related herein, do ſo nearly affect the Character of Archbiſhop *Laud*, the great Darling of a clamerous and violent Party, that one needs not long doubt from what Quarter, or from what Motives this fraudulent Device had its Riſe. We know, who, have no Mind that ſuch things as theſe ſhould be believ'd, or longer remembred. 'Tis well, if the ſame *Party-Zeal* which can thus maim and deface *one Hiſtory*, has not added as much to *others* from its own Invention. Who knows how far their *Index Expurgatorius* extends? If ſuch a noted modern Hiſtory as Mr. *Gage*'s Survey, *&c.* could in ſo very few Years time ſuffer ſuch an Injury, and that Deceit paſs almoſt wholly unobſerv'd; what Work may we ſuſpect has been made with older Books which are not fallen into honeſter Hands?

If Mr. *Gage*, was worthy of Credit in the reſt of his Hiſtory, why not alſo in this which relates to Biſhop *Laud?* Whether the Teſtimonies added at the End of the Archbiſhop's Life by Mr. *Wharton*, to prove that the Church of *Rome* accounted him one of their greateſt Enemies, will anſwer in Weight to the Argument and Teſtimony in Mr. *Gage*'s Hiſtory, on the other Side, ſhall be left to the candid Reader's Judg-

ment. But what ever ſome Papiſts might ſay to a *Proteſtant Stranger*, and that too, after the Biſhop's Death, when to have him thought a dear Friend to the *Romiſh* Hierarchy, might be of no Service to their Intereſt; one muſt be apt to think that Mr. *Gage* being intimate among them at *Rome*, as one of their own *Prieſts* and *Fryars*, was moſt likely to learn what their real and undiſguis'd Sentiments of Biſhop *Laud* were. 'Tis not pretended, that he approv'd of the *Doctrinal Articles* of that *Church*; but 'tis poſſible, that one who diſlikes many Points of the *Romiſh Faith*, may yet be very fond of introducing her *Tyranical Government*; and in order to it, of amuſing the poor *Laity* with the long Train of her Gaudy and Miſterious Ceremonies; that while they ſtand fondly gazing at this Lure, and are buſy'd about Impertinencies, they may the more eaſily be circumvented into irricoverable Bondage, by Men of deeper, but more miſchievous Deſigns.

Mr. *Gage* in his xxii Chapter, thus delivers himſelf, "I came to the Acquaintauce "of one *Price*, Superior to the *Benedictine-* "*Monks*, whom I found to be a meer "Stateſman, and a great Politician, and "very familiar, Private and Secret, with "the Archbiſhop of *Canterbury*, *William* "*Laud*. Mr. *Gage* likewiſe informs us in the ſaid Chapter, that in a Converſation

he

he had at *Rome*, with Cardinal *Barariní* (who was entitled the *Protector* of *England*) he found him tractable, kind, and loving. (ſays he) by his Diſcourſe that he knew much of *England*, and deſir'd to know more; and propounded unto me many Queſtions concerning the State of this Kingdom, and eſpecially concerning the Archbiſhop of *Canterbury*, whom he ſeem'd to affect, and yet ſometime again would ſay, he fear'd he would cauſe ſome great Diſturbance in our Kingdom; and that certainly for his ſake, and by his means the King had diſſolv'd lately the Parliament (which was that which before this now ſitting was ſo ſuddenly diſſolv'd by his Majeſty) he fear'd *Scotland*, and moſt of the People of *England*, would take very ill. He ask'd me further, what conceit the People had of the ſaid Archbiſhop, and whether they did not miſtruſt that he comply'd with the Court of *Rome*, might be of great Conſequence for the Converſion of the whole Kingdom. I laid up in my Heart all this Diſcourſe, and well perceiv'd ſome great Matters were in agitation at *Rome*, and ſome ſecret Compliance from *England* with that Court, which I purpos'd to diſcover more at large among ſome Friends there.

AFTER this Diſcourſe with the Cardinal, I was invited to the *Engliſh* College Dinner, by one Father *Fitzherbert*, who was then Rector, a great Stateſman and Politician, with whom I had alſo great Diſcourſe concerning my Travels in *America*, and laſtly concerning *England*, whereof I perceiv'd little Diſcourſe could be had in *Rome*, except the Archbiſhop *William Laud* had his part and ſhare in it. The Jeſuit began highly to praiſe the Arch-Prelate for his moderate Carriage towards Papiſts and Prieſts, boaſting of the free Acceſs which one *Simons*, alias *Flood* a Jeſuit, had unto him at all Hours, and in all Occaſions; and to extol him the more, he brought in the Archbiſhop *Abbot*, whom he cry'd down as much for a cruel Enemy and Perſecutor of the Church of *Rome*, and of all Papiſts and Prieſts. But the now Archbiſhop, ſaid he, is not only favourable to us there, but here deſireth to make daily Demonſtrations of his great Affection to this our Court and Church; which he ſhew'd not long ſince in ſending a *Common-Prayer Book* (which he compos'd for the Church of *Scotland*) to be firſt view'd and approv'd of by our *Pope* and *Cardinals*. Who peruſing it, lik'd it very well, for Proteſtants to be train'd in a *Form* of *Prayer* and *Service*; yet conſidering the State of *Scotland*, and the Temper and Tenets of that People, the *Cardi-*

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nals (firſt giving him thanks for his Reſpect and dutiful Compliance with them) ſent him word that they thought that *Form* of *Prayer* was not fitting for *Scotland*, but would breed ſome Stir and Unquietneſs there, for that they underſtood the *Scots* were averſe from all *ſet Forms*, and would not be ty'd and limited to the Invention of Man's Spirit, having (as they thought) the True and Unerring Spirit of God in them, which could better teach and direct them to pray. All this (ſaith Father *Fitzherbert*) I was witneſs of, who was then ſent for by the Cardinals (as in all like Occaſions and Affairs concerning the ſaid *Common-Prayer* Book, and the Temper of the *Scots.*) But the good Archbiſhop (quoth he) hearing the Cenſure of the *Cardinals* concerning his Intention and *Form* of *Prayer*, to ingratiate himſelf the more into their favour, corrected ſome things in it, and made it more harſh and unreaſonable for that Nation, which we already hear they have ſtomach'd at, and will not ſuffer it in many Parts to be read; and we juſtly fear, that this his *Common-Prayer Book*, and his *great Compliance* with *this Court*, will at laſt bring Strife and Diviſion between the two Kingdoms of *Scotland* and *England.*

AND this moſt true Relation of *William Laud*, late Archbiſhop of *Canterbury* (tho' I have

I have often ſpoken of it in private Diſcourſe and publickly preach'd it at the Lecture of *Wingham* in *Kent*) I could not in my Conſcience omit it here; both to vindicate the juſt Cenſure of Death, which the now ſitting Parliament have formerly given againſt him, for ſuch like Practices and Compliance with *Rome*; and ſecondly, to reprove the ungrounded Opinion and Error of ſome ignorant and malignant Spirits, who to my knowledge have ſince his Death highly exalted him, and cry'd him up for a Martyr.

YET at the Time of his Death, what a poor and equivocal *Exit* did he make, telling the Spectators, that *He was going a pace towards the Red Sea*, (a poor *Quibble!* upon the manner of the Death he was to ſuffer) that he ſhould *labour to digeſt the ſour Herbs, as well as the Lamb*, (alluding to the Children of *Iſrael's Paſſover*) with many other ſuch trifling Phraſes, too mean for a recital.

SOME

SOME

ACCOUNT

OF THE

Biſhop of *Rocheſter.*

HE is the Son of Dr. *Atterbury*, late Rector of *Milton*, near *Newport-Pagnel*, in *Buckinghamſhire.*

HE was educated at *Weſtminſter-School*, and from thence elected to *Chriſt-Church-College* in *Oxford.*

HIS firſt Preferments in the Church, were, thoſe of Lecturer of St. *Bridget*'s, and Preacher of *Bridewell*, in *London*; afterwards, he was Chaplain to the *Rolls*, then Canon Reſidentiary of *Exeter*, and Arch-

Deacon of *Totneſs*; after this, he was made Dean of *Carliſle*; and alſo preferr'd to the Deanery of *Chriſt-Church* in *Oxford*.

IN the Year 1713, he was made Dean of *Weſtminſter*, and Biſhop of *Rocheſter*; and on *Friday*, *Auguſt* 24, 1722, "After "having been examin'd by a Committee "of the Lords of the Privy-Council, he "was committed Priſoner to the *Tower* for "*High-Treaſon* *.

WHO could have imagined ſuch a Change! That he, "this excellent Per-"ſon, already by his great Merits to "the Church, ſufficiently Recommended "to the general Eſteem of all good "Men; a Perſon endowed with ſuch "Talents of Mind, that he deſerves "all manner of Praiſe; ſo high in Fame "and Reputation, that he ſtands in "need of None.—— One who is well "acquainted with all parts of Literature, "long and ſucceſsfully exerciſed in moſt "Arts and Studies, moſt accompliſh'd, "and perfect in thoſe Sciences which ad-"mit of the greateſt Perfection.—— An "Orator, whoſe Eloquence will add a "conſiderable Weight and Advantage to "our Petitions. If Good-Will has an In-

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* See, The *London Gazette*, from *Tueſday*, *Auguſt* 21, to *Saturday*, *Auguſt* 25. No. 6088.

‡ Bp. *Smalridge*'s Speech to the *Convocation*, recommending Dr. *Atterbury* for Prolocutor.

" Influence in reconciling Reſentments,
" Authority a great Force in moderating
" Aſſemblies, whom could we rather wiſh
" to be a Judge in our Debates, than one
" whoſe gentle Diſpoſition, renders him ſo Po-
" pular, that he may juſtly hope, by the ſweet-
" neſs of his Temper, to allure all who have
" any Share of Goodneſs or Humanity, to
" the Study of Peace and Unity; One whoſe
" Gravity is ſo free from Arrogance, that
" ſhould any Commotions happen to ariſe
" among Us, the very Dignity of his Pre-
" ſence muſt immediately ſuppreſs them.
" Little, therefore, moſt *ſacred Fathers*,
" had the Clergy anſwer'd your Expecta-
" tion, had they placed this weighty Bur-
" den on any weaker Shoulders; and at the
" ſame Time, they had prov'd themſelves
" ungrateful, and forgetful of the greateſt
" *Benefits*; had they not willingly offer'd
" any Honours, that *They* could confer,
" to one who had ſo highly deſerved of
" *Them*.

O Tempora! O Mores! muſt a *Quantum Mutatus ab illo*, ſupply the place of theſe Encomiums? Is it not then greatly to be lamented, that the *Man* who ſo lately was recommended to be a *Guide to* the *Church*, ſhould ſo ſuddenly degenerate, as to be denounced a *T----r* to the *State!* But whether this Degeneracy will hold good againſt him, muſt be the Subject of a future Enquiry.

To-

To conclude, the design of this Tract is no other, than by *exposing* the *Wicked* Bishops of the Church of *Rome*, to make the *Good* ones of the Church of *England* the more *rever'd*; and among whom, we yet hope there will be found no Parallels. For it must be allowed, that the *Prelatical-Politician*, Acts as much out of his own *Sphere*, as that *Statesman* would do, who should assume the *Sacred Office* of the *Mitre*.

FINIS.

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